

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

1 Valuation of Security 0 Assumption of Executory Contract or Unexpired Lease 1 Lien Avoidance

Last revised: September 1, 2018

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re: Case No.: 18-15298
Anthony & Martina Leonardo Judge: Poslusny

Debtor(s)

Chapter 13 Plan and Motions

☐ Original ☒ Modified/Notice Required Date: 1/24/2020
☐ Motions Included ☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the *Notice*. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☒ DOES ☐ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☒ DOES ☐ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: JR Initial Debtor: AL Initial Co-Debtor: ML

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 320.00 per month to the Chapter 13 Trustee, starting on 2/1/2020 for approximately 38 more (of 60) months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: _____

☐ Refinance of real property:

Description:

Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection ☒ NONE

- a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).
- b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

- a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
ATTORNEY FEE BALANCE	ADMINISTRATIVE	BALANCE DUE: \$ 5,299 / 4,499 PTD \$800 pend
DOMESTIC SUPPORT OBLIGATION		
IRS	taxes	\$1040

- b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
	Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount.		

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Midfirst Bank	mortgage	satisfied by loan modification	n/a	\$0	per note
GTMUA	water lien	\$2,282.82 per POC	n/a	\$2,282.82 per POC	
CCMUA	water lien	\$229.61	18%	\$353.59 (\$266.33 remaining)	
US BK Cust for PC7	real estate taxes	\$464.13	18%	\$538.41 (\$461.37 remaining)	

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☐ **NONE**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
HUD	2nd mortgage	\$10,986	\$145,000	220,565	\$0	n/a	\$0

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☒ **NONE**

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

f. Secured Claims Unaffected by the Plan ☐ **NONE**

The following secured claims are unaffected by the Plan:

Ally & Santander, auto loans, current and paid outside plan

g. Secured Claims to be Paid in Full Through the Plan: ☒ **NONE**

Creditor	Collateral	Total Amount to be Paid Through the Plan

Part 5: Unsecured Claims ☐ **NONE**

a. Not separately classified allowed non-priority unsecured claims shall be paid:

☐ Not less than \$ _____ to be distributed *pro rata*

☐ Not less than _____ percent

☒ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid

Part 6: Executory Contracts and Unexpired Leases ☒ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment

Part 7: Motions ☐ NONE

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f). ☒ NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
HUD	2nd mortgage	\$10,986	\$145,000	\$220,565	\$0	100%

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee commissions
- 2) Joseph J. Rogers, Esquire
- 3) _____
- 4) _____

d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☒ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: 4-24-18.

Explain below **why** the plan is being modified:
Debtors received loan modification

Explain below **how** the plan is being modified:
mortgage arrears removed from Part 4. Water, sewer and real estate tax
liens updated per filed POCs

Are Schedules I and J being filed simultaneously with this Modified Plan? ☒ Yes ☐ No

Part 10: Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to Local Form, *Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: 1-28-2020

/S/ Anthony Leonardo
Debtor

Date: 1-28-2020

/S/ Martina Leonardo
Joint Debtor

Date: 1-28-2020

/S/ Joseph J. Rogers
Attorney for Debtor(s)

Certificate of Notice Page 11 of 12

United States Bankruptcy Court
District of New JerseyIn re:
Anthony V Leonardo
Martina L Leonardo
DebtorsCase No. 18-15298-JNP
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin
Form ID: pdf901Page 1 of 2
Total Noticed: 52

Date Rcvd: Jan 29, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 31, 2020.

db/jdb
cr
517394585 +Anthony V Leonardo, Martina L Leonardo, 412 Frankford Avenue, Blackwood, NJ 08012-4534
517455568 +Santander Consumer USA Inc. dba Chrysler Capital, PO Box 961278, Ft. Worth, TX 76161-0278
517448325 +ARS/Account Resolution Specialist, PO Box 459079, Sunrise, FL 33345-9079
517394587 +Camden County MUA, 1645 Ferry Ave., Camden, NJ 08104-1311
517394591 +Chrysler Capital, PO Box 961275, Fort Worth, TX 76161-0275
517394592 +City of Cocoa, 65 Stone St., Cocoa, FL 32922-7982
517394593 +Emergency Phy Of South Jersey, PO Box 1123, Minneapolis, MN 55440-1123
517394592 +FedLoan Servicing, Attention: Bankruptcy, PO Box 69184, Harrisburg, PA 17106-9184
517394593 +Financial Recoveries, PO Box 1388, Mount Laurel, NJ 08054-7388
517394595 +First Premier Bank, 601 S Minnesota Ave, Sioux Falls, SD 57104-4868
517549533 +Gloucester Township Municipal Utilities Auth., Leonard J. Wood, Esquire, 1250 Chews Landing Road, Laurel Springs, NJ 08021-2816
517394601 +KML Law Group PC, 216 Haddon Avenue Suite 406, Collingswood, NJ 08108-2812
517394599 +Kennedy Health, 500 Marlboro Avenue, Cherry Hill, NJ 08002-2020
517394602 +Merchants Association Collection Div., 134 S. Tampa Street, Tampa, FL 33602-5354
517519313 +MidFirst Bank, 999 NW Grand Blvd, Oklahoma City, OK 73118-6051
517394603 +Midfirst Bank, One Grand Central Place, 60 E 42nd St, New York, NY 10165
517394604 +Midland Mortgage Company, PO Box 26648, Oklahoma City, OK 73126-0648
517394605 +Pinch A Penny, 2311 State Road 524 Suite C114, Cocoa, FL 32926-5896
517394606 +Regional Sewer Service, PO Box 1105, Bellmawr, NJ 08099-5105
517394607 +Remex Inc, 307 Wall St, Princeton, NJ 08540-1515
517394608 +Rushmore Service Center, PO Box 5508, Sioux Falls, SD 57117-5508
517394609 +Santander Consumer USA/ Chrysler, 5201 Rufe Snow Drive, Suite 400, North Richland Hills, TX 76180-6036
517394610 South Jersey Radiology Associates, PO Box 1710, Voorhees, NJ 08043-7710
517640258 U.S. Department of Education, C/O FedLoan Servicing, P.O. Box 69184, Harrisburg PA 17106-9184
517394616 +US Attorney General, US Department of Justice, 950 Pennsylvania Avenue, Washington, DC 20530-0009
518239149 +US BK Cust for PC7 Firsttrust, c/o Gary C. Zeitz, LLC, 1101 Laurel Oak Road, Suite 170, Voorhees NJ 08043-4381
517730456 US Department of Education, PO BOX 16448, St. Paul, MN 55116-0448
517394618 +US Department of HUD, 451 7th Street SW, Washington, DC 20410-0001
517394615 +United States Attorney General, United States Department of Justice, Ben Franklin Station, P.O. Box 683, Washington, DC 20044-0683
517394619 +Us Dept Ed, Ecmc/Bankruptcy, PO Box 16408, St Paul, MN 55116-0408

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center. smg

E-mail/Text: usanj.njbankr@usdoj.gov Jan 29 2020 23:28:11 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Jan 29 2020 23:28:09 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
517394584 +E-mail/Text: ally@ebn.phinsolutions.com Jan 29 2020 23:27:36 Ally Financial, Attn: Bankruptcy, PO Box 380901, Bloomington, MN 55438-0901
517401524 E-mail/Text: ally@ebn.phinsolutions.com Jan 29 2020 23:27:36 Ally Financial, PO Box 130424, Roseville MN 55113-0004
517551974 E-mail/PDF: MerrickBKNotifications@Resurgent.com Jan 29 2020 23:33:58 CW Nexus Credit Card Holdings 1, LLC, Resurgent Capital Services, PO Box 10368, Greenville, SC 29603-0368
517394586 +E-mail/PDF: MerrickBKNotifications@Resurgent.com Jan 29 2020 23:34:30 Cardworks/CW Nexus/ Merrick, Attn: Bankruptcy, PO Box 9201, Old Bethpage, NY 11804-9001
517394588 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Jan 29 2020 23:27:58 Comenity Capital Bank/HSN, Attn: Bankruptcy, PO Box 182125, Columbus, OH 43218-2125
517394589 +E-mail/PDF: creditonebknofications@resurgent.com Jan 29 2020 23:34:05 Credit One Bank Na, PO Box 98873, Las Vegas, NV 89193-8873
517394590 +E-mail/PDF: MerrickBKNotifications@Resurgent.com Jan 29 2020 23:34:27 Cws/cw Nexus, 101 Crossways Park Dr W, Woodbury, NY 11797-2020
517394594 +E-mail/Text: bnc-bluestem@quantum3group.com Jan 29 2020 23:28:31 Fingerhut, Bankruptcy Dept, 6250 Ridgewood Rd, Saint Cloud, MN 56303-0820
517394596 +E-mail/Text: tlynch@gtmua.com Jan 29 2020 23:28:25 GTMUA, PO BOX 216, Glendora, NJ 08029-0216
517394598 E-mail/Text: cio.bncmail@irs.gov Jan 29 2020 23:27:47 IRS, P.O. Box 21126, Centralized Insolvency-Operations, Philadelphia, PA 19114
517523588 +E-mail/Text: bankruptcydpt@mcmg.com Jan 29 2020 23:28:09 Midland Funding LLC, PO Box 2011, Warren, MI 48090-2011
517522066 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jan 29 2020 23:34:34 Portfolio Recovery Associates, LLC, c/o Care Credit, POB 41067, Norfolk VA 23541
517556278 +E-mail/Text: JCAB_BNC_Notices@jcap.com Jan 29 2020 23:28:18 Premier Bankcard, Llc, Jefferson Capital Systems LLC Assignee, PO Box 7999, Saint Cloud Mn 56302-7999
517550396 E-mail/Text: bnc-quantum@quantum3group.com Jan 29 2020 23:28:04 Quantum3 Group LLC as agent for, Comenity Capital Bank, PO Box 788, Kirkland, WA 98083-0788

District/off: 0312-1

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 52

Date Rcvd: Jan 29, 2020

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

517533282 E-mail/Text: bnc-quantum@quantum3group.com Jan 29 2020 23:28:04
Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788
517394611 +E-mail/Text: LO@saintfrancis.org Jan 29 2020 23:28:39 Swedesboro Animal Hospital,
392 Kings Highway, Swedesboro, NJ 08085-5044
517398699 +E-mail/PDF: gecsedirecoverycorp.com Jan 29 2020 23:35:01 Synchrony Bank,
c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
517394612 +E-mail/PDF: gecsedirecoverycorp.com Jan 29 2020 23:35:11 Synchrony Bank/Amazon,
Attn: Bankruptcy, Po Box 965060, Orlando, FL 32896-5060
517394613 +E-mail/PDF: gecsedirecoverycorp.com Jan 29 2020 23:34:55 Synchrony Bank/Care Credit,
Attn: Bankruptcy, Po Box 965060, Orlando, FL 32896-5060
517394614 +E-mail/Text: usanj.njbankr@usdoj.gov Jan 29 2020 23:28:11 United States Attorney,
Peter Rodino Federal Building, 970 Broad Street, Suite 700, Newark, NJ 07102-2527
TOTAL: 22

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

518237265 US Bk Cust for PC7 Firsttrust
517394597* Internal Revenue Service, ATTN: Bankruptcy Department, P.O. Box 7346,
Philadelphia, PA 19101-7346
517394600* +Kennedy Health, 500 Marlboro Avenue, Cherry Hill, NJ 08002-2020
517394617* +US Attorney General, US Department of Justice, 950 Pennsylvania Avenue,
Washington, DC 20530-0009

TOTALS: 1, * 3, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 31, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 29, 2020 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor MIDFIRST BANK dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com
John R. Morton, Jr. on behalf of Creditor Santander Consumer USA Inc. dba Chrysler Capital
ecfmail@mortoncraig.com, mortoncraigecf@gmail.com
Joseph J. Rogers on behalf of Joint Debtor Martina L Leonardo jjresq@comcast.net,
jjrogers0507@gmail.com
Joseph J. Rogers on behalf of Debtor Anthony V Leonardo jjresq@comcast.net,
jjrogers0507@gmail.com
Kevin Gordon McDonald on behalf of Creditor MIDFIRST BANK kmcdonald@blankrome.com,
bkgroup@kmlawgroup.com
Linda S. Fossi on behalf of Creditor US Bk Cust for PC7 Firsttrust lfossi@zeitzlawfirm.com,
gzeitz@zeitzlawfirm.com; cdillon@zeitzlawfirm.com; rzeitz@zeitzlawfirm.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 8